

# **FOSS DECLARATION EXHIBIT 2**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

NEWMARKET PHARMACEUTICALS,  
LLC,

Plaintiff,

v.

VETPHARM, INC., et al.,

Defendants.

Civil Action No. 17-1852 (MAS) (TJB)

**ORDER**

This matter comes before the Court on the application of Plaintiff NewMarket Pharmaceuticals, LLC ("Plaintiff") for an order to show cause with regard to a temporary restraining order ("TRO") and preliminary injunction, which seeks an order from the Court requiring Defendants VetPharm, Inc. ("VetPharm"), Denni O. Day ("Day"), and Prelude Dynamics, LLC (collectively, "Defendants") to "immediately provide NewMarket access to all information, data and records related to the Agreement and the Treatment Study." (ECF No. 7.) Plaintiff further seeks a hearing to determine the merits of its application for a preliminary injunction and requests that the Court temporarily restrain Defendants until the hearing takes place. (*Id.*) Defendants VetPharm and Day opposed and moved to stay the action and to compel arbitration (ECF No. 16), and Plaintiff replied with regard to its own application and opposed VetPharm and Day's Motion (ECF No. 18). VetPharm and Day subsequently replied with regard to their Motion to Compel Arbitration. (ECF No. 19.) The Court has carefully considered parties' submissions and heard oral argument on March 31, 2017. For the reasons set forth in the accompanying Memorandum Opinion, and for other good cause shown,

IT IS on this 5<sup>th</sup> day of April 2017, **ORDERED** that:

1. Plaintiff's Application for Temporary Restraining Order and Motion for Preliminary Injunction (ECF No. 7) are DENIED.
2. VetPharm and Day's Motion to Compel Arbitration and Stay Action (ECF No. 16) is GRANTED.
3. The instant action is stayed pending completion of arbitration.
4. As the Court's Memorandum Opinion references materials filed under seal, the Memorandum Opinion shall be filed under Temporary Seal pending resolution of Plaintiff's Motion to Seal. (ECF No. 11.)

  
\_\_\_\_\_  
**MICHAEL A. SHIPP**  
**UNITED STATES DISTRICT JUDGE**